

**Kalamazoo Public Library
OFFICIAL MINUTES OF THE BOARD OF TRUSTEES
PUBLIC HEARING ON BUDGET AND SPECIAL SESSION (Corrected)**

DATE: July 28, 2003
TIME: 4:00 p.m.
LOCATION: Central Library
Board Room
315 South Rose Street
Kalamazoo, Mi 49007

President Brown called the meeting to order at 4:00 p.m.

PRELIMINARY BUSINESS

Roll Call: All Trustees were present: Cynthia Addison, Donald Brown, Robert Brown, Amy DeShon, Loren Dykstra, Lisa Godfrey, and James Vander Roest.

President Brown welcomed Ms Cynthia Addison and Ms. Amy DeShon to the board.

Oath Of Office: Re-elected trustees Donald Brown and Lisa Godfrey, and newly elected trustees Cynthia Addison and Amy DeShon were officially sworn in.

Approval of Agenda: Mr. Dykstra requested that an item "B" related to the honorarium received by trustees be added to the agenda under "Other Business." There were no objections.

Election of Officers: The following slate of officers was presented for nomination:

President: Donald J. Brown
Vice President: Robert P. Brown
Treasurer: James E. VanderRoest
Secretary: Loren J. Dykstra

MOTION: IT WAS MOVED BY MR. BROWN AND SUPPORTED BY MS. DESHON TO PLACE THE SLATE OF OFFICERS INTO NOMINATION AS PRESENTED FOR 2003/2004.

There were no additional nominations offered.

MOTION: IT WAS MOVED BY MR. VANDER ROEST AND SUPPORTED BY MR. BROWN TO ELECT THE SLATE OF OFFICERS AS PRESENTED FOR 2003/2004.



Motion carried 6-1. (Godfrey)

I. RECOGNITIONS, RESOLUTIONS, COMMUNICATIONS

There were no recognitions, resolutions or communications.

II. PERSONS REQUESTING TO ADDRESS THE BOARD

No one addressed the board.

III. CONSENT CALENDAR

Minutes of the Kalamazoo Public Library Board of Trustees Meeting of July 28, 2003, cont.

A. Minutes of the Regular Meeting of June 16, 2003

B. Minutes of the Public Hearing and Special Meeting of June 26, 2003

Disposition: The board accepted the minutes as presented, noting that a typographical error would be corrected.

C. Personnel Items

There were no personnel items.

IV. FINANCIAL REPORTS

A. Financial Reports for the Period Ending June 30, 2003

Recommendation: Director Amdursky recommended the board accept the Financial Reports for the Period Ending June 30, 2003.

MOTION: MS. GODFREY MOVED AND MR. VANDER ROEST SUPPORTED ACCEPTANCE OF THE FINANCIAL REPORTS AS RECOMMENDED.

Discussion: Ms. DeShon asked if there should be a correlation between the general pooled funds cash balance and the total under the column heading "general" on the combined balance sheet.

Ms. Schiller, Business Manager, responded there is a correlation, but it is not direct. The general pooled funds on the combined balance sheet are all cash accounts held either in the general or special revenue columns, if they are all added together they equal the total on the cash balance sheet.

Ms. DeShon requested a session for the new trustees with the business manager to better understand the financial reports.



MOTION CARRIED 7-0.

The Financial Reports for the Period Ending June 30, 2003 were accepted.

ACTION ITEMS

V. A. Anti-Discrimination and Harassment Policy

Recommendation: The director recommended the board adopt an Anti-Discrimination and Harassment Policy.

Executive Summary:

We have learned at various legal and library seminars and conferences that we should have a harassment policy. Courts have rules that employers must exercise reasonable care to prevent and correct harassing behavior based on protected classifications. The policy should be approved by the governing board and have accompanying procedures. It is recommended that it be separate from the sexual harassment policy. (Our sexual harassment policy is #014, approved April 26, 1993.)

The recommended policy was reviewed by our legal counsel and has accompanying procedures. Upon board approval it will be discussed with staff and added to employee handbooks.

Discussion: Trustees had a number of questions including the advisability of having two policies that cover essentially the same experience that are not parallel, whether a publication purchased by the library could be deemed "harassment" by an employee and how to publicize the policy to outside vendors and patrons including the possibility of public posting.

It was the consensus of trustees this item should be reviewed by the Personnel Committee and possibly returned to counsel for additional consideration.

MOTION TO

TABLE: **IT WAS MOVED BY MR. VANDER ROEST AND SUPPORTED BY MS. GODFREY TO TABLE THIS ITEM.**



MOTION CARRIED 7-0.
The item was tabled.

REPORTS

B. Children's Internet Protection Act (CIPA)/Internet Policy Review

Executive
Summary:

The board has regularly reviewed its Internet Policy, generally on a six-month schedule, since it was first adopted in April of 1998. It was revised in September of 2001 and most recently in October of 2002 to comply with CIPA. Each time the board has considered the policy it has affirmed its decision not to employ filters.

There is no evidence that access to unacceptable sites has increased from what we have experienced in the past. Financial consideration is the only reason to once again examine this policy. The Supreme Court ruled CIPA constitutional. If we accept funds from the FCC for Internet Access, all library computers must be filtered.

Since the board last met in June, investigation has revealed KPL receives two streams of Universal Service Fund (USF) revenue to offset technology investment. The first is broadly classified as POTS, (plain old telephone service) an area not addressed by the CIPA decision, that is, there is no requirement to filter if USF funds are received for POTS. Currently POTS revenues are 60% of the amount spent for local and long distance phone service and the fiber WAN, which has been part of past POTS reimbursement requests. KPL qualifies for \$26,921.52 in POTS reimbursement for 2003/2004.

The second revenue stream is for direct costs to provide Internet access. KPL is in the process of changing Internet providers and substantially lowering our annual Internet access cost to about \$3000. This amount would be KPL's total financial loss of USF funds if filters are not employed. If the board decides to filter, the associated costs, which would include the probable need for additional staffing, purchase of new software and equipment, and maintenance, could easily run between \$30,000 and \$45,000.

FCC regulations regarding CIPA are not yet available. When they are in place information will be provided to the board. If the board chooses to continue to not filter, it will not be precluded from choosing to do so at a later date if circumstances change. There is no other viable alternative to the fiber WAN. At a recent Southwest Michigan Library Cooperative meeting, among the libraries represented only Benton Harbor has chosen to filter.

Mr. Amdursky indicated this item was a report rather than a recommendation since the present policy and philosophy on Internet access continues to be appropriate.

Discussion:

In response to concerns expressed by Ms. DeShon about compliance with CIPA and possible conflict with our own policy that states we are committed to preventing minors from viewing inappropriate matter, it was explained that we comply even though we do not employ filters. We attempt to keep computer screens visible, staff and the guard on duty monitor what is displayed and when something inappropriate is observed, action is taken.

We feel this approach is reflective of reality, consistent, reasonably successful, and is a better fit for this library than relying on filters, particularly since the filtering products do not reveal what it is they are filtering. The result of filtering is that not all inappropriate sites are blocked and some valuable sites are blocked. It is felt the human interactive approach we use is better than what would be provided by filtering. All legal opinions have allowed for the type of monitoring we have in place at KPL as well as the notice we provide to forewarn that violation of the rules will result in consequences.

Disposition: It was the consensus of the board to leave the current Internet policy in place but to continue to review it regularly.

VI. COMMITTEE REPORTS

C. Finance & Budget Committee

No report.

B. Personnel Committee

No report.

VII. OTHER BUSINESS

A. Directors Report

Mr. Amdursky told trustees he recently met with the state librarian, Christie Brandau, to discuss ways libraries in Michigan could play a role in providing assistance to improve the living conditions in Benton Harbor. The Governor's task force is interested in the possibility of emulating KPL's "Ready to Read" program there.

The revised bookmobile schedule is close to complete. It will include two evenings and Saturday afternoon stops. The new schedule and an explanation of the criteria used to determine the schedule will be provided to trustees shortly.

We have been experiencing difficulty in receiving new materials from Brodart, our principle book vendor, with our move to the new Sirsi automation system. Although we expected a two to three week hiatus, it ended up being closer to eight weeks. We are now seeing a steady flow of new materials and should be caught up and back to normal in the next two weeks. Ms. Godfrey believes the public should be updated if the situation is not promptly resolved.

The class action suit regarding breach of contract by our former periodicals vendor is proceeding, but there is no new information.

Ms. DeShon asked the director to see if information is available to find out the frequency of visits to the Eastwood Branch Library by East Side and Eastwood residents.

Disposition: Trustees received the information.

B. Trustee Compensation

Mr. Dykstra asked whether the board might consider an increase in the \$30 honorarium for trustees for each meeting attended since the amount has not changed since 1990. In checking district library law it was determined this amount is set by law as part of the District Library Establishment Act and cannot be changed by individual library boards.

VIII. PERSONS REQUESTING TO ADDRESS THE BOARD

Mr. Jim Rodbard, 3705 Glengarry, spoke representing the local chapter of the Task Force for the Defense of the Bill of Rights, and as president of the Southwest Michigan Branch of the American Civil Liberties Union. He asked that the board consider taking an official stance opposing the U.S. Patriot Act and warning library patrons that use of "any tangible thing" may be subject to a search by the authorities under the Patriot Act.

President Brown thanked Mr. Rodbard for his comments.

IX. TRUSTEE COMMENTS

Ms. Godfrey indicated her strong desire to move forward on policies as described by Mr. Rodbard including adopting a board resolution. She also explained her “no” vote on the board slate of candidates. Since there was no nominating committee, there was no opportunity to comment before the meeting, which was inappropriate.

Ms. DeShon would also like to see the board take a stand on the Patriot Act soon.

Ms. Addison commented she was happy to have joined the board of trustees.

Mr. Dykstra asked about continuation of the “Reading Together” program. Ms. Doud, Assistant Director for Public Services, indicated we are working currently with the Kalamazoo Community Foundation to see if they will fund the program again; if funding is provided the program will be continued. The evaluation of the first program is complete and will be provided to trustees.

Mr. Vander Roest agreed with Ms. Godfrey that it has been the past procedure for an ad hoc nominating committee to be appointed in May or June that contacts all trustees and comes back to the board with a consensus slate of officers. Regarding the Patriot Act, he does not object to expressing an official board position, but does not want to establish an inappropriate policy that would be in violation of the law.

Mr. Brown indicated he would like to have the board discuss the Patriot Act, and said he was pleased to see new faces at the trustee table.

Dr. Brown welcomed the two new trustees. He will be out of town from August 6 – 21.

X. ADJOURNMENT

Hearing no objections, President Brown adjourned the meeting of the Kalamazoo Public Library Board of Trustees at 5:25 p.m.

Loren Dykstra, Secretary